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VANUATU

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I. LAND AND PEOPLE

1. Vanuatu, formerly known as New Hebrides, is one of the many groups of island countries in the Pacific. It is located in the south-west Pacific Ocean and its islands lie between 13 and 22 degrees south of the equator and between 166 and 172 degrees east of Greenwich. The archipelago which constitutes the republic contains over 80 islands of varying sizes of which 68 are inhabited and runs roughly north-south in a Y-shaped chain, spanning nearly 1,100 kilometres from the Banks and Torres in the north to the barren Matthew and Hunter islands in the far south. Its close neighbours are the French territory of New Caledonia to the south-west, Australia to the west, the Solomon Islands and Papua New Guinea to the north-west and Fiji to the east. The total land area is only 12,361 km^2 and 12 major islands account for most of the total land area. The island of Espiritu Santo, the largest island in the country, accounts for 34 per cent of the total land area. The land area is small compared to the nation's sea area of 680,000 km^2 including the 200-mile Exclusive Economic Zone (EEZ).

2. The islands are young, with the oldest, Espiritu Santo, about 4 million years old. All are originally volcanic and raised coral platforms. The topography of the islands varies, but commonly ranges from low coastal plains to rough, mountainous and heavily forested interiors, with the highest peaks in the archipelago rising to over 1,800 metres on Espiritu Santo. There are nine active volcanoes, four of which are submarine. The nature of the country makes travelling difficult and expensive, and many communities are quite isolated. Many islands are linked by air but ground transport within the islands can be very limited. Some islands can be reached only by boat and some isolated parts are serviced by trading vessels only two to four times a year.

Climate

3. The climate varies considerably from tropical in the north to subtropical in the south. The northern part is wetter and more humid than the south. There are two distinct seasons, with the hot and rainy season from November to April, also known as cyclone season, and the cool dry season from May to October. The average temperature on the island of Efate in the central part of the country where the capital, Port Vila, is situated, ranges from 27 degrees Celsius in February to 22 degrees Celsius in July. There are wide variations of rainfall from north to south. In Port Vila, the annual rainfall is 2,360 mm and the annual average for the whole country is 2,205 mm. Relative humidity averages 75 per cent.

Population

4. The estimated total population of the country in 1995 was 164,900. According to the national census in 1989, it was 142,944 persons of whom 73,674 were male and 69,270 were female. Vanuatu indigenous citizens, known as ni-Vanuatu, numbered 139,475 and non-ni-Vanuatu 3,469. The annual growth rate declined from 3.0 per cent in 1979 to 2.4 per cent in 1989. The annual growth rate for ni-Vanuatu during the same period declined from 3.2 per cent to 2.8 per cent. By international standards it is one of the highest.

5. The population of the country is young. Around 44 per cent of the nation's people are less than 15 years of age, 17 per cent are less than 5 years and 4 per cent 65 years and over. There has been an improvement in the life expectancies of both sexes over the past decade. Average life expectancy in 1989 was 63 years (64.2 for females and 61.5 for males).

6. Eighty-two per cent of the population lives in the rural areas, mainly on the major islands of Efate, Espiritu Santo, Tanna, Malekula, Pentecost, Ambae and Ambrym. The rest live in the two urban areas of Port Vila on the island of Efate and Luganville on the island of Espiritu Santo. The rural population inhabited 3,233 localities which range from isolated settlements containing one to two persons or a family to a large village. There are 1,708 villages or village areas. Less than 1 per cent (0.5) of the population live on littoral areas (mangroves, tidal flats and beach ridges), 26 per cent on coral terraces, 11 per cent on riverine plains, swamps and lakes, 33 per cent on terraces and plateaux (heavily dissected), 2 per cent in the hills, 4 per cent in the mountains, 3 per cent on volcano-alluvial plains, 13 per cent on volcanic foothills and 1 per cent on volcanic cones and domes. A population distribution map is provided*.

Literacy

7. The adult (15 and over) literacy rate in Vanuatu is estimated at 70 per cent. At the time of independence it was 13 per cent with only 10 university graduates. The low rate was due to several factors, a large portion of the country's population still strongly maintaining their cultural values and beliefs and traditional life system. Secondly, formal education during the colonial period was mainly provided by non-government organizations, especially the Churches, which educated ni-Vanuatu for their own organizations' purposes. Lastly, it is mainly due to the late involvement of the two colonial Powers, France and the United Kingdom, in the education of the ni-Vanuatu population in the 1960s.

Culture

8. Vanuatu society is Melanesian and is very traditional. Melanesian society is one in which individuals, members of families, villages and communities have historically worked together for the attainment of communal and individual goals. It is a society of consensus where divergence of opinion or action can be resolved by dialogue and discussion rather than by confrontation. The traditional values which still govern village life stress living in harmony with the physical environment.

9. Ni-Vanuatu have a tradition of agriculturally based village life in small, close-knit communities with authority resting in the chief. Although this way of life has changed in some ways since colonization and in the modern era, it remains the basis of ni-Vanuatu society. The extended family system is the most important basic social unit. Through the extended family system, a child has more than one father, mother, etc. to look after him or her from

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* Available for consultation at the Office of the High Commissioner for Human Rights.

birth onwards. The family provides security and a livelihood for all its members, and in return individuals feel a sense of responsibility towards the family. Family members are expected to assist each other to the limit of their ability when the need arises. A child for example, may continue to receive assistance in kind (cash, clothes, food, etc.) from the extended families of his mother and father at birth, at school (tuition fees), and at marriage, when the bride-price must be paid. Generally, the responsibility of the child does not rest on the two parents alone but on the whole family, including the members of the extended family, the chiefs and Church leaders or the whole community. Therefore, in traditional practice no child in the villages or towns is allowed to be in any kind of trouble.

10. Cultural and social practices vary from island to island and even from village to village. These practices include the method of choosing local leaders, how the ground is cultivated, how marriages are arranged, and how land is passed on. There are 110 indigenous languages throughout the archipelago, on average, 1 for every 1,400 people. The national language is Bislama and official languages are Bislama, English and French (Constitution, article 3). The principal languages of education are English and French. Although remarkable diversity in language and culture exists, a common factor is the importance of what is called "custom". In spite of the social changes in the recent past, custom is very important to life, particularly in the rural areas. For ni-Vanuatu, the word "custom" means more than a set of practices; it means beliefs, values, and life itself. Births, marriages, funerals, the settling of disputes and elevations in social status are all ruled by custom.

11. Children are very important to every ni-Vanuatu because of the following main positive values of children:

(a) Bringing of happiness, love, companionship and fun to families;

(b) Maintaining the family traditions, the continuity of the family name and family lineage, and the extended family size for security reasons, such as payment of the bride-price;

(c) Security of parents at old age and security of family properties, especially the land;

(d) Additional help at home, in the gardens or plantations; and

(e) For female children, parents or guardians gain from the payment of the bride-price.

12. The welfare of children is one of the many responsibilities of the chiefs. In 1993, the Vanuatu National Council of Chiefs (VNCC) prepared guidelines* based on Vanuatu custom for parents to use in their various responsibilities towards their children, and also guidelines for illegitimate children.

13. Traditional education exists in all communities of Vanuatu. The system of learning used varies from community to community. The responsibility for the provision of this type of education rests with the parents, the chiefs and

the community as a whole. The idea of developing a traditional curriculum to be taught in school has not yet started. A traditional school (primary level) exists and Government supports it by providing and paying for the teachers and school materials. The students sit class six examinations with students of other schools. The role of parents in children's formal education is very minimal and includes construction of houses for the children and preparation of children for school. Therefore, the education of most children depends on the teachers in the classrooms. Only one school in the urban area encourages parents to assist their children in their schoolwork. A traditional belief that the place of females is at home is an obstacle to the development of female children in education and their later involvement in other development in the country.

Ethnicity

14. About 98 per cent of the population are ni-Vanuatu or Melanesian. The rest are non-ni-Vatuatu, mainly Europeans, Asians and other Pacific islands ethnic groups who live mainly in the urban areas.

Religion

15. Christianity arrived in Vanuatu in the nineteenth century. At that time foreigners took ni-Vanuatu to work as slaves mainly in sugar cane plantations in Queensland, Australia, and in Fiji. Missionaries arrived to spread Christianity to the heathen population and at the same time to prevent the exploitation of the ni-Vanuatu population by foreigners. Today, ni-Vanuatu society is strongly Christian, like many other South Pacific island societies. "Long God Yumi Stanap" (In God We Stand) is the motto of the country. The Constitution (article 5 (1) (f)) allows freedom of conscience and worship.

16. The largest Church denominations, according to the 1989 census, were the Presbyterians (35.8 per cent), Roman Catholics (14.5 per cent), Anglicans (14.0 per cent), Seventh Day Adventists (8.2 per cent) and the Church of Christ (4.7 per cent). Other smaller and new groups include the Assembly of God (12.5 per cent). About 1.7 per cent of the population has no religion. There is still 4.5 per cent of the population which does not affiliate with any of the Churches and they have their own traditional religious beliefs, like the John Frum Movement (Cargo Cult) on the island of Tanna and communities in the isolated parts of the islands of Malekula, Pentecost and Espiritu Santo. Christianity is penetrating slowly and so traditional religion is declining. Christianity and Vanuatu culture exist together seemingly without conflict. Indeed, the strong Christian beliefs and firm desires to retain cultural roots are spoken of together in the country's Constitution.

17. The Churches in Vanuatu have a long tradition of helping the development of children. They have more responsibility in this regard than any other private or government organization. It is the Churches that bless and baptize children. The contribution they provide to children is mainly educational. The teaching they use is spiritual in nature and it begins at childhood so that the child grows up spiritually. The Churches believe that the development of a child is complete if four important areas are well understood and implemented. They are physical, mental, spiritual and social development

of people and society. Apart from the spiritual teaching, during the colonial period the major Churches provided formal education, from primary to secondary levels, technical training and health services to the population, mainly in the rural areas. Most of our leaders at the time of independence are the products of Church institutions, like the late former President, Pastor Fred Kalomoana Timakata, former Prime Minister Fr. Walter Hadye Lini and present Deputy Prime Minister Pastor John Sethy Regenvanu. Although the Government has taken over responsibility for health and education services after independence, some Churches still have responsibilities over their education and health services.

Natural resources

18. The major natural resource of Vanuatu is the land itself. Land means life to the nation's indigenous population or, in other words, No Land, No Life. All land in the country from the time of independence in 1980 belongs to the indigenous customary owners (Constitution, article 73) but Government can own land for the public interest (Constitution, article 80). Land transactions (Constitution, article 79) are permitted with the consent of the Government between an indigenous citizen and either a non-indigenous citizen or a non-citizen.

19. Approximately 4,970 km^2 or 41 per cent is arable land. About 30 per cent of the arable land is currently cultivated, with the main cash crops being copra, cocoa, coffee, kava and other agricultural crops including taro, yam, kumala, cassava, vegetables, spices, fruits and animal husbandry. About 4,970 km^2 of land are still under forest and the potential for forestry development exists in areas where agricultural development is limited, particularly in the southern islands of Erromango and Aneityum. The large water area of Vanuatu, including the ocean within the 200-mile EEZ (710,000 km^2), lagoons, reefs and 300 rivers, have a significant potential for the development of the nation's fisheries resources, both coastal and oceanic, as well as for other aquatic organisms found in the country's territorial waters. The 300 rivers provide potential for hydroelectricity and at least one is being used. Mineral deposits are recorded in several of the islands which are deemed to be potential sites for mineral resources exploitation, including pozzuolana (volcanic ash), copper, zinc, manganese, raised coral limestone, geothermal energy, gold and oil. Manganese mined during the colonial period has ceased operation and the only mining currently in progress for the coral limestone which is used mainly for road construction.

Natural disasters and environmental problems

20. Tropical cyclones or typhoons which are also associated with flooding are the common natural disasters of Vanuatu. On average one to three cyclones hit Vanuatu per year causing widespread damage to the country's economy and social and physical infrastructures and often cause major economic and social dislocation.

21. As the country lies close to the subduction zone where the Pacific and the Indian plates meet, earthquakes, tidal waves and volcanic eruptions are potential natural disasters for Vanuatu. Shallow earthquakes which are frequently felt cause regular landslides and damage to infrastructures.

22. Shortages of water for drinking, cooking and washing during the dry period of the year, especially among the people living on small islands and in the hills and mountains are a regular problem. This has caused concern in both Government and NGOs, and the Government is taking measures to rectify the situation.

23. Damage by pests to crops is rare in Vanuatu but damage to fruits by varieties of fruit flies and insects is a major problem in Vanuatu.

24. Environment problems are not yet a national issue but they do exist in isolated locations, especially of Port Vila, regarding sewage, the most serious environmental problem in Vanuatu. The Vanuatu National Conservation Strategy, the first of its kind in the South Pacific, with 10 national conservation goals, was completed in early 1993 and this will help the Government in its efforts to improve the environment.

25. There are two important potential worries for Vanuatu as well as other Pacific Island Countries (PICs). The first is the sea-level rise. For Vanuatu, agricultural land and the population living near the coast will be affected. Second, the effects of nuclear accidents on, especially, marine life, the source of livelihood of the population in the South Pacific, are an important area of concern.

II. POLITICAL SYSTEM

26. From 1906 to 1980, Vanuatu, then known as New Hebrides, was administered as an Anglo-French Condominium. Under this system three separate administrations, namely British, French and Condominium, administered the country. This resulted in duplication of services, uncoordinated activities and development of a very large public sector which may be described as inappropriate.

27. After 75 years of colonial rule, the Republic of Vanuatu was established on 30 July 1980 as a sovereign democratic State (Constitution, article 1).

28. The Constitution is the supreme law of the Republic. It was drafted in 1979 by the Constitutional Committee whose members consisted of representatives of various political parties and social and religious groups in the country. It was revised in 1988.

29. The head of State is the President (Constitution, chapter 6) who is the symbol of the unity of the nation. He is elected every five years by the Electoral College consisting of members of Parliament and the Chairman of the six Provincial Government Councils. He can be removed from office by the Electoral College only for gross misconduct or incapacity.

30. The national political structure (Constitution, chapters 7 and 8) consists of a legislative, an executive and a judicial branch. The legislative consists of a single chamber, the Parliament. There are currently 46 parliamentary seats. The members are elected on the basis of universal franchise every four years when general elections must by law be called. There is an allowance in the electoral system for proportional representation so as to ensure fair representation of different political groups and

opinions. Every citizen of Vanuatu who is at least 25 years of age is eligible to stand for election to Parliament and everyone from the age of 18 years is eligible to vote in the national election.

31. The executive consists of the Prime Minister and the Council of Ministers, all of whom must be members of Parliament, with the power vested in the Prime Minister. At present there are 11 ministers who are responsible for about 44 government departments involved in the national administration and the provision of government services.

32. The judiciary (Constitution, chapter 8) consists of the Supreme Court with a Chief Justice and three judges. Members of the judiciary are appointed by the President of the Republic on the advice of the Judicial Service Commission, an advisory body which consists of the Minister for Justice, the Chairman of the Public Service Commission and a representative of the National Council of Chiefs.

33. The government administration is decentralized (Constitution, chapter 13). Apart from the national Government, there are 2 municipalities in the urban areas and 6 provincial governments, a reduction in 1994 from 11 local government regions established after independence. The local governments were introduced to address the widely different circumstances and needs prevailing in the different parts of the archipelago. Each province has a council whose members are elected and representatives of different community groups including the chiefs, women and youth. These groups have an advisory role with the councils. Political parties are allowed to form freely and contest elections (Constitution, article 4). The present Government is a coalition between the Union of Moderate Parties, mainly French-speaking, and the Peoples Democratic Party, English-speaking.

34. The Constitution (article 51) allows the acknowledgment of relevant rules of custom. A person (chief) knowledgeable in custom may sit with the judges of the Supreme Court or the Court of Appeal and take part in the proceedings. Article 52 allows the establishment of village or island courts with jurisdiction over customary and other matters. This provides for the role of chiefs in the court.

35. There is no specific law that provides for children but some existing laws do affect children. These include (i) Penal Code (cap 135), which deals with all types of crime; (ii) Employment Act (cap 160) of 1983; (iii) Matrimonial Causes Act (cap 192) of 1986 which provides for the nullity of marriage, dissolution of marriage and the provision of alimony and custody; (iv) Maintenance of Children Act (cap 46); (v) Maintenance of Family Act (cap 42); (vi) Control of Marriage Age Act (cap 45); and (vii) Public Health Act No. 22 of 1994*.

36. The Constitution provides for the future protection of the welfare of the children in article 73, which states that as from 1980, all land in the country belongs to the ni-Vanuatu or customary owners. As an agricultural society, this was to ensure security over the land for the future. Apart from this, the Constitution protects the rights and interests of children through the following. Fundamental rights and freedoms are clearly explained in article 5 (1), "Fundamental rights" and article 5 (2), "Protection of the

law". Article 6 explains the enforcement of fundamental rights. Article 7 explains "Fundamental duties", which include the protection of the national wealth, resources and environment in the interest of present and future generations; working according to one's talents in socially useful employment and, if necessary, to create legitimate opportunities for such employment; and the educating of children, legitimate and illegitimate, in particular to give children a true understanding of their fundamental rights and duties and of the national objectives and of the culture and customs of the people of Vanuatu.

37. The most important advisory body to the Government in all areas is the Vanuatu National Council of Chiefs, also known as Malfatumauri (Constitution, chapter 5). It is composed of chiefs elected by their peers sitting in the district councils of chiefs. The Council advises on custom and tradition as well as the preservation and promotion of the country's culture and indigenous languages; three additional non-constitutional advisory bodies (NGOs) that advise the Government are:

(a) Vanuatu National Council of Women, an umbrella organization of women with a national director and a national executive committee. It presents ideas and advises Government and other decision-making bodies on women's issues at all levels;

(b) Vanuatu Council of Churches (VCC), whose members include the Presbyterian, Catholic, Apostolic, Anglican Churches and the Church of Christ. The Seventh Day Adventists and the Assembly of God have observer status. Although VCC is not mentioned in the Constitution, its role is to coordinate Christian activities and advise Government on matters affecting the general population. Each Church has its own structure which goes down to the village level and even to new areas to win converts among the fully traditional population. The Constitution, article 5 (1) (f), allows freedom of conscience and worship;

(c) Vanuatu National Youth Council. This was established in 1993 with members from all regional youth councils. The structure goes down to village youth groups. Its roles include coordination of youth activities and provision of advice on matters relating to youth.

38. Vanuatu has maintained good relations and cooperation with all the countries of the South Pacific and those in other parts of the world. The level of bilateral and multilateral relations of Vanuatu with other Governments and international organizations or United Nations agencies is high and stable.

39. The role of community-based organizations and NGOs is widely recognized and used by the Government in the provision of mainly social services.

III. ECONOMIC SYSTEM

40. Vanuatu's economy is strongly dualistic. A small monetized economy largely controlled by expatriates and integrated into the world economy exists in the two urban areas of Port Vila and Luganville, primarily based on trade,

tourism, offshore banking facilities and government services, with 12 public enterprises. Some of these were former services like the media which were privatized by Government.

41. A large mixed cash-cropping smallholder subsistence economy controlled by ni-Vanuatu exists in the rural areas based on agriculture, with copra being the largest single product. Their participation in the monetized economy is small due to the relative isolation of many communities, lack of access to basic transport and infrastructure, and low levels of education.

42. The country is a tax haven, not levying income, corporate, property or estate taxes. This has left Vanuatu dependent upon a narrow tax base. The tax haven policy was used to attract foreign investors into the country. Preparation of a new or up-to-date investment code is in process.

43. The gross national product in 1993 at current producers prices was VT 19,989 million and the gross domestic product was VT 21,959 million. GDP per capita averaged VT 137,415; however, excluding expatriate earnings, average income per capita for ni-Vanuatu was estimated at VT 36,500-40,000 which would be among the lowest in the South Pacific.

44. Economic growth in 1993 was 4 per cent and variable growth was normally reported over the past years due to the following constraints: dependence on a narrow range of agricultural exports, the distance from major markets, limitations in natural resources and skilled manpower, the high cost of infrastructure, and vulnerability to natural disasters, especially tropical cyclones. Also, because the economy has only a narrow productive base, it is very open to outside forces, such as world commodity prices, internal political tensions and downturns in the economies of the countries which are the major sources of tourists.

45. Economic problems affect government services and the family incomes of all people in the urban and rural areas in different ways. Three groups of children stand out as being more disadvantaged. These are, firstly, children in the more remote areas of Vanuatu, especially in Tafea and Torba provinces, who have less access to government services and are also exposed to much more unfavourable environmental conditions than elsewhere. They also suffer from higher rates of disease and death and their school enrolment rates are lower than for children elsewhere in the country. Secondly, with a deteriorating urban economic climate, there are increasing numbers of children living in poor conditions due to the low income of parents; both parents may work full-time, leaving the child alone all the time. And thirdly, disabled children in Vanuatu have little specific provision for them and they are the most disadvantaged in the community.

46. The inflation rate measured by the consumer price index in 1992 was 5.1 per cent. The rate dropped to 1.7 per cent in 1993 and increased steadily to 2.7 per cent in 1994. The current rate is the third highest compared with other neighbouring PICs (Solomon Islands 5.8 per cent and Papua New Guinea 6.5 per cent). The purchasing power of ni-Vanuatu is expected to improve following the Government's efforts to increase civil servants' wages by 5 per cent in 1994, increase the minimum wage and reduce duties on basic imported goods in 1995.

47. The unemployment rate in 1989 was 0.5 per cent for the population living in the rural areas and 2.4 per cent for the population in the urban areas. The unemployment rate of youth 15-19 years old was 1.3 per cent. It is a youth problem and so the rate declines as age increases. Females are grossly under-represented in all sectors except agriculture.

48. The Government has taken the initiative to promote more involvement of ni-Vanuatu in the (especially monetized) economy. For this reason, it established the Central Bank of Vanuatu (Central Bank of Vanuatu Act, cap 125) in November 1980, changed to the Reserve Bank of Vanuatu in 1989, to oversee the proper functioning of the banking and monetary systems in the country; created the Development Bank of Vanuatu (Development Bank of Vanuatu Act, cap 169) to enable ni-Vanuatu to borrow funds to start projects or businesses; created the National Bank of Vanuatu (National Bank of Vanuatu Act No. 7 of 1993) with head office in Port Vila and 19 branches throughout Vanuatu to facilitate banking services in the rural areas and to bring about a greater degree of monetization to rural communities; established the Vanuatu Commodity Marketing Board (VCMB Act, cap 133) in 1981 to buy, sell and stabilize the prices paid for three prescribed commodities (copra, coca and kava); continued the Cooperative Societies (Cooperative Societies Act, cap 152) established during the colonial period; and re-established the Vanuatu Chamber of Commerce based on the Chamber of Commerce Act No. 4 of 1995. Recently, a trade agreement was signed by the Melanesian Spear Head Group, which comprises Vanuatu, the Solomon Islands and Papua New Guinea, as a way to facilitate trade between the countries concerned of items such as beef (Vanuatu), tinned tish (Taiyo, Solomon Islands) and tea (Papua New Guinea).

49. NGOs are also putting efforts in promoting the development of ni-Vanuatu in economic development.

50. Vanuatu as a developing country is getting an enormous amount of assistance for economic and social development. The assistance is obtained through its bilateral and multilateral relations with about 59 foreign countries such as Australia, China and France, and also from being a member of about 29 international organizations like the United Nations Children's Fund (UNICEF), the Asian Development Bank (ADB), the Agency for Cultural and Technical Cooperation (ACCT) and the Commonwealth Fund for Technical Cooperation (CFTC). Its foreign policy, according to which the country shall have diplomatic ties of friendship with large and small nations, far and close to its shores, and with multilateral organizations, continues to assign paramount importance to peace and stability, economic development, growth, promotion of regional solidarity and cooperation, and the upholding of international law and principles, especially those enshrined in the Charter of the United Nations.